

Chapter 1 GENERAL PROVISIONS

§ 1-1. Designation and citation of Code.	2
§ 1-2. Rules of Code construction; definitions.	2
§ 1-3. Authority of Code.....	5
§ 1-4. Territorial applicability.....	5
§ 1-5. Certified copy of Code admissible into evidence.....	5
§ 1-6. Acts by deputy or designee.	6
§ 1-7. Code provisions as continuance of existing ordinances.	6
§ 1-8. Conflicting provisions.	6
§ 1-9. References include amendments; construction.	6
§ 1-10. Catchlines and headings; construction.	6
§ 1-11. Interpretation of section numbers.	7
§ 1-12. Continuing offenses.	7
§ 1-13. Prohibited acts including causing, permitting or concealing.	7
§ 1-14. Notices; service and proof.	7
§ 1-15. Code severability.	7
§ 1-16. Same offense punishable by different sections of the Code.	8
§ 1-17. General penalty; suspension or revocation of license or permit; use of fines. 8	
§ 1-18. Code adoption.....	8

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Municipal Code of Winslow, Maine, 1975," and may be so cited. The Code may also be cited as the Municipal Code or in the provisions which follow, as "this Code".

Sec. 1-2. Rules of Code construction; definitions.*

***State law reference(s)**--Rules of construction, 1 M.R.S.A., §§ 72, 73.

- (a) In the construction of this code and all ordinances the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the council or the context clearly requires otherwise:
- (1) *And/or* means *and* may read *or* and *or* may be read *and* if the sense requires it.
 - (2) *Bond* means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.
 - (3) *Building* means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.
 - (4) *Business* means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.
 - (5) *Charter* means the Charter of the Town of Winslow.
 - (6) *Clerk* means the town clerk.
 - (7) *Council* means the governing body of the town, the town council.
 - (8) *Councilor* means any member of the governing body of the town, the Winslow town council. *Council Chairman* means the chairman of the town council of Winslow.
 - (9) *County* means Kennebec County, Maine.
 - (10) *Definition* given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided.
 - (11) *Designee*, following an official of the town, means the authorized agent,

employee or representative of such official.

- (12) *Director* means the chief executive officer of the office or department to which the particular division, bureau, board, agency or subordinate municipal administrative body has been assigned by the council.
- (13) *Gender*: Words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine.
- (14) *Health officer* means the head of the health department or any person designated by the council to perform the town health functions and duties.
- (15) *May*: The word *may* is permissive and discretionary.
- (16) *Month* means a calendar month.
- (17) *Number*: Words used in the singular include the plural and the plural includes the singular.
- (18) *Oath* means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.
- (19) *Occupant* means tenant or person in actual possession.
- (20) *Operate* means carry on, keep, conduct, maintain, manage, direct or superintend.
- (21) *Ordinances* means the ordinances of the Town of Winslow and all amendments and supplements thereto.
- (22) *Owner* means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, *owner* means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land.
- (23) *Person* means any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.
- (24) *Personal property* means any money, goods, movable chattels, things in

action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

- (25) *Preceding* and *following* mean next before and next after, respectively.
- (26) *Proprietor* means an owner of the property or premises including any person, firm, association, corporation, club partnership or other group acting as a unit whether acting by themselves or by a servant, agent or employee.
- (27) *Public place* means any park, lake, stream, stadium, athletic field; playground, school yard, street, avenue, plaza, square, bus train or railroad depot, station, terminal, cemetery, open space adjacent thereto or any other place commonly open to the public.
- (28) *Real property* means land, together with all things attached to the land so as to become a part thereof.
- (29) *Shall*: The word *shall* is mandatory.
- (30) *Sidewalk* means that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles.
- (31) *Signature* and *subscription* means the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.
- (32) *State* means the State of Maine.
- (33) *Statutes* or *Revised Statutes* mean the latest published edition of the Statutes or Revised Statutes of Maine.
- (34) *Street* means all street, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- (35) *Tenant* means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others.

- (36) *Tense*: Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.
- (37) *Time* means an hour of the day according to the official time of the Town.
- (38) *Time of performance* means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded.
- (39) *Town* means the Town of Winslow, in the County of Kennebec and State of Maine.
- (40) *Town limits* means within the town and includes not only the corporate limits of the town, but also any property which it owns or which is under its jurisdiction.
- (41) *Town manager* means the chief administrative officer of the town.
- (42) *Treasurer* means the town treasurer.
- (43) *Watercourse* means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks.
- (44) *Week* means seven (7) days.
- (45) *Words* and *phrases* shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.
- (46) *Writing* and *written* mean any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.
- (47) *Year* means a calendar year.

Sec. 1-3. Authority of Code.

This Code is a revision and codification of the general ordinances of the Town of Winslow which have been enacted and published in accordance with the authority granted in 30 M.R.S.A., Section 2154.

Sec. 1-4. Territorial applicability.

This Code shall refer only to the commission or omission of acts within the territorial limits of the town and to that territory outside this town over which the town has jurisdiction or control by virtue of any constitutional or charter provisions, or any law.

Sec. 1-5. Certified copy of Code admissible into evidence.

Any printed copy of this Code or any printed supplement thereto, published and certified according to law, shall be received in evidence in any court for the purpose of proving any charter or ordinance provision therein contained with like effect and for the same purpose as the original ordinances, minutes or journals would be received.

State law reference(s)--Proof of ordinances, 30 M.R.S.A., § 2155.

Sec. 1-6. Acts by deputy or designee.

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by an authorized deputy or designee or by any person authorized pursuant to law or ordinances, unless this Code expressly provides otherwise.

Sec. 1-7. Code provisions as continuance of existing ordinances.

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof and not as new enactments.

Sec. 1-8. Conflicting provisions.

(a) If the provisions of different chapters, articles, divisions or section of this Code conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.

(b) If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is consistent with the meaning of that chapter.

(c) Where any conflict exists between a chapter, article, division or section of this Code and any chapter or section of the town Charter or state Code, the latter shall prevail.

Sec. 1-9. References include amendments; construction.

(a) Any reference in this Code to an ordinance or provisions of this Code shall mean such ordinance or provision as may now exist or is hereafter amended.

(b) Any references in this Code to chapters, articles, divisions or sections shall be to the chapters, articles, divisions and sections of this Code unless otherwise specified.

Sec. 1-10. Catchlines and headings; construction.

All designations and headings of chapters, articles, divisions and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such chapters, articles, divisions or sections, whether printed in boldface type or italics. They shall not be deemed or taken to be any part or title of such chapters, articles, divisions or sections; nor unless expressly so provided, shall they be so deemed upon amendment or re-enactment or be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.

Sec. 1-11. Interpretation of section numbers.

In reading a section number from left to right, the digit or digits to the left of the dash designate the chapter number. The digit or digits to the right of the dash designate the section number within the chapter. Figures to the right of a decimal point indicate new chapters or sections inserted between existing chapters or sections. The decimal system shall be used to maintain the numerical order of this Code.

Sec. 1-12. Continuing offenses.

Each day any violation of this Code occurs or continues to exist shall constitute a separate offense.

Sec. 1-13. Prohibited acts including causing, permitting or concealing.

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-14. Notices; service and proof.

(a) Unless otherwise specifically provided, whenever a notice is required to be given pursuant to any section of this Code such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known

business or residence address as the same appears in the public records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.

(b) Proof of giving any notice may be made by the certificate of any officer or employee of this town or by affidavit of any person over the age of eighteen (18) years who actually accomplished personal service in conformity with this Code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States Mail.

Sec. 1-15. Code severability.

It is declared to be the intention of the council that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this Code, since the sections or parts of sections would have been enacted by the council without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause, or word being incorporated into this Code.

Sec. 1-16. Same offense punishable by different sections of the Code.

In all cases where the same offense is made punishable or is created by different sections of this Code, the town attorney may elect under which to proceed, but not more than one (1) recovery shall be had against the same person for the same offense.

Sec. 1-17. General penalty; suspension or revocation of license or permit; use of fines.

(a) Whenever in this Code or in any ordinance of the town any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punishable by a fine not exceeding one hundred dollars (\$100.00).

(b) If the penalty for a particular offense is limited by state statute then such limitation shall be applicable to the provision of this Code and other ordinances of the town notwithstanding the provisions of the section.

(c) The suspension or revocation of any license, certificate or other privilege conferred by the town, shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

(d) All fines levied and paid for any violation of any provision of this Code or any other violation of any town ordinance, shall be payable to the general fund of the town for the use of the town.

State law reference(s)--Maximum penalty, 30 M.R.S.A., § 2151.

Sec. 1-18. Code adoption.

The Code of Ordinances of the Town of Winslow prepared by the national Institute of Municipal Law Officers of Washington, D.C., and titled *The Charter and Code of Winslow, Maine -- 1975*, is hereby adopted as the official Code of Ordinances for the Town of Winslow.

(Ord. 57-1976, 9-13-76)